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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,286	07/07/2003	Takashi Ishidoshiro	MES1P074	8231

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EXAMINER	
SMITHERS, MATTHEW	
ART UNIT	**PAPER NUMBER**
2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/615,286	ISHIDOSHIRO, TAKASHI	
	Examiner	Art Unit	
	Matthew B. Smithers	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 July 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *07 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *6/14/04; 1/30/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed June 14, 2004 and January 30, 2006 has been placed in the application file and the information referred to therein has been considered as to the merits.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1-9 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-6 and 9-11 of copending Application No. 10/983,263. Claims 1-6 of the instant application is anticipated by

copending application claims 1-6 in that claims 1-6 of the copending application contain all the limitations of claims 1-6 of the instant application. Claims 1-6 of the instant application therefore is not patently distinct from the copending application claim and as such is unpatentable for obvious-type double patenting. Claim 7 of the instant application is anticipated by copending application claim 9 in that claim 9 of the copending application contain all the limitations of claim 7 of the instant application. Claim 7 of the instant application therefore is not patently distinct from the copending application claim and as such is unpatentable for obvious-type double patenting. Claim 8 of the instant application is anticipated by copending application claim 10 in that claim 10 of the copending application contain all the limitations of claim 8 of the instant application. Claim 8 of the instant application therefore is not patently distinct from the copending application claim and as such is unpatentable for obvious-type double patenting. Claim 9 of the instant application is anticipated by copending application claim 11 in that claim 11 of the copending application contain all the limitations of claim 9 of the instant application. Claim 9 of the instant application therefore is not patently distinct from the copending application claim and as such is unpatentable for obvious-type double patenting.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. patent 6,148,205 granted to Cotton and further in view of U.S. patent application 20040168081 granted to Ladas et al.

Regarding claims 1, 7, 8, and 9 Cotton teaches a method and apparatus for securely registering an access device (terminal) to a base station (access point) in a wireless network during a reduced operational radio frequency power level (see Abstract; column 3, lines 20-29; column 4, line 43 to column 5, line 18; column 5, lines 47-63 and Figures 6 and 8.). Cotton further teaches the use of an encryption algorithm when registering an access device (see column 3, lines 13-19 and column 4, lines 23-29). Cotton fails to specifically teach an encryption key is set during registration of the access device. Ladas teaches a method and apparatus for joining a computing device (access device/terminal) to a secure network (see Abstract; paragraph [0035]). During the join procedure (registration of device), the computing device and the access point perform a key exchange that derives encryption key parameters that are transmitted (setting the encryption key) to the computing device for future wireless connections (see paragraph [0039]). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine Ladas' apparatus for joining a computing device to a secure wireless network with Cotton's apparatus for secure registering an access

device to a wireless network for the purpose of simplifying the process for securely registering a device to a network. One of ordinary skill in the art would have been motivated to combine the two in order to ensure the parameters used for communications between the joining device and the access point are not detected by eavesdroppers trying to acquire the encryption parameters during normal operations (see Ladas; paragraph 0005].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Gehring et al (US 20030048905) discloses a method for selecting and distributing a network encryption key depending on the network in range of the device.

B. Olson et al (US 20020115426) discloses a method for authenticating devices at reduced transmit power.

C. Kokudo (US 7,039,021) discloses an authentication method for wireless LAN based on the IEEE 802.11 standard.

D. Sako et al (US 6,169,803) discloses a method for encryption key setting and processing.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Matthew B Smithers
Primary Examiner
Art Unit 2137